



1615

Application Ser. No.: 10/068,054  
Atty. Dkt. No. 044829-0118

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: William F. McDonald et al.  
Title: ANTIMICROBIAL POLYMER  
Appl. No.: 10/068,054  
Filing Date: 02/05/2002  
Examiner: Channavajjala, Lakshmi Sarada  
Art Unit: 1615

<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.  <u>Jacqui Banks</u> (Printed Name)  (Signature) <u>10/23/03</u> (Date of Deposit)
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OCT 31 2003

**AMENDMENT TRANSMITTAL**

TECH CENTER 1600/2900

Mail Stop NON-FEE AMENDMENT  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an amendment in response to the Office Action dated September 24, 2003, in the above-identified application.

- [ X ] Response to Election of Species Requirement (2 pgs.)
- [ X ] Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.
- [ X ] The fee required for additional claims is calculated below:

	Claims As Amended		Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee
Total Claims:	59	<input type="checkbox"/>	59	=	0	x	\$18.00	=	\$0.00
Independents:	4	<input type="checkbox"/>	4	=	0	x	\$86.00	=	\$0.00
First presentation of any Multiple Dependent Claims:						+	\$290.00	=	\$0.00
CLAIMS FEE TOTAL:									\$0.00

- ☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$420.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$950.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,480.00	\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,010.00	\$0.00
	EXTENSION FEE TOTAL:		\$0.00
<input type="checkbox"/>	Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$55.00	\$0.00
	CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:		\$0.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):		\$0.00
	TOTAL FEE:		\$0.00

- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date

10/23/03

FOLEY & LARDNER  
777 East Wisconsin Avenue, Suite 3800  
Milwaukee, Wisconsin 53202-5306  
Telephone: (414) 297-5529  
Facsimile: (414) 297-4900

By

M. Scott McBride

M. Scott McBride  
Attorney for Applicant  
Registration No. 52,008



Appl. Ser. No. 10/068,054  
Atty. Dkt. No. 044829-0118

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: McDonald, et al  
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**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

Mail Stop NON-FEE AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed September 24, 2003, including an election of species requirement, Applicants hereby elect:

1. A polymeric composition wherein the polymer is synthesized by reacting a monomer selected from unsaturated carboxylic acids, their esters, anhydrides or mixtures thereof with a first amine; and subspecies

C. A process for rendering the surface of a substrate antimicrobial, comprising the steps of providing a polymer, mixing the polymer with a cross linking agent and an antimicrobial agent and coating at least a portion of the substrate with a polymer solution.

Claims corresponding to species 1 include claims 1-7 and 13-23. Process claims corresponding to species 1 include claims 24-32, 36-44, and 48-59.

The Examiner has indicated that claim 1 is generic. Applicants note that, in addition to claim 1, claims 13-23 are generic with respect to the species of polymers designated in the Office Action. Applicants also note that independent process claims 24-28, 36-40, and 48-52 are all generic with respect to the species of polymers designated in the Office Action.

Claims corresponding to process subspecies C include claims 48-59.

Applicants reserve the right to file a continuation application covering the non-elected subject matter and/or to receive consideration of claims to additional species as provided by 37 CFR 1.141, upon allowance of any claim that is generic.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date 10/23/03

By M. Scott McBride

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777 East Wisconsin Avenue  
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